

Richard Harkins et al.
Serial No. 10/624,884
Filed: July 22, 2003
Page 8

RECEIVED
CENTRAL FAX CENTER
NOV 06 2006

REMARKS

Claims 1-36 were pending. Claims 26-36 were withdrawn. Accordingly, 1-25 are being examined.

ITEMS 1-3: RESTRICTION AND ELECTION

At page 2 of the Office Action, the Office acknowledges Applicants' amendment filed May 19, 2006, and confirms that claims 1-25 are under examination.

ITEM 4: INFORMATION DISCLOSURE STATEMENT

The Office acknowledges and has fully considered the Information Disclosure Statement submitted on July 22, 2003. No response is due.

ITEMS 5-6: SPECIFICATION AND CLAIM OBJECTIONS

At page 2-4 of the Office Action, the Office has objected to the specification and claims 20-21 and 23-24 due to informalities.

Applicants respectfully disagree.

ITEMS 7-8: REJECTION UNDER 35 U.S.C. §112 SECOND PARAGRAPH

At pages 4-5 of the Office Action, the Office rejects claims 1 and 3-25 U.S.C. §112, second paragraph, as allegedly being indefinite.

Applicants respectfully disagree.

Richard Harkins et al.
Serial No. 10/624,884
Filed: July 22, 2003
Page 9

ITEMS 9-11: REJECTION UNDER 35 U.S.C. §112 FIRST PARAGRAPH

At pages 5-17 of the Office Action, the Office rejects claims 1 and 3-25, under 35 U.S.C. §112 first paragraph, as allegedly failing to comply with the written description requirement.

Applicants respectfully disagree.

ITEMS 12-13: REJECTION UNDER 35 U.S.C. §102(e)

At pages 17-19 of the Office Action, the Office has rejected claims 1-2 and 15-17 under 35 U.S.C. §102(e) as allegedly anticipated by Hastings et al., (U.S. Patent No. 5,871,969).

Applicants respectfully disagree.

ITEM 14-15: REJECTION UNDER 35 U.S.C. §103(a)

At pages 19-24 of the Office Action, the Office has rejected claims 1-4 and 15-25 under 35 U.S.C. §103(a) as allegedly unpatentable over Ali et al. (US2005/0147556 A1) in view of Kucherlapati (U. S. Patent No. 6,150,584) and Devaux (U.S. Patent No. 6,824,780).

Applicants respectfully disagree.

ITEMS 16-21: DOUBLE PATENTING REJECTION

At pages 24-33 of the Office Action, the Office have:

Richard Harkins et al.
Serial No. 10/624,884
Filed: July 22, 2003
Page 10

- (i) provisionally rejected claims 1-16 and 18-25 under 35 U.S.C §101 as allegedly claiming the same invention as that of claims 1-16 and 18-25 of co-pending application 10/895,183;
- (ii) issued a provisional obviousness-type double patenting rejection alleging that claim 17 is unpatentable over claim 17 of co-pending Application No. 10/895,183;
- (iii) issued an obviousness-type double patenting rejection alleging that claims 1-4 and 15-25 are unpatentable over claims 4-9 of U. S. Patent No. 6,682,902 in view of Kucherlapati (U.S. Patent No. 6,150,584) and Devaux (U.S. Patent No. 6,824,780); and
- (iv) issued a provisional obviousness-type double patenting rejection alleging that claims 1-4 and 15-25 are unpatentable over claims 24-29, 31-34 and 44 of co-pending Application No. 10/616,279 in view of Kucherlapati (U.S. Patent No. 6,150,584) and Devaux (U.S. Patent No. 6,824,780).

Applicants respectfully disagree.

CONCLUSION

Entry of this Amendment and the foregoing remarks are respectfully requested. Applicants believe that all grounds for rejection of the claims have been overcome and that the claims pending are now in condition for allowance. Withdrawal of the Patent Office's rejections is requested and prompt allowance of the claims is solicited. If any issues remain in connection with the claim, the Examiner is encouraged to contact the undersigned by telephone to discuss the same.

NOV-06-2006 MON 03:07 PM

FAX NO.

P. 14

Richard Harkins et al.
Serial No. 10/624,884
Filed: July 22, 2003
Page 11

RECEIVED
CENTRAL FAX CENTER

NOV 06 2006

No fees, other than the \$450.00 fee for two-month extension of time, are deemed necessary in connection with the filing of this Communication. If any fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,



Sarah B. Adriano
Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Mandel & Adriano
55 S. Lake Avenue, Suite 710
Pasadena, CA 91101
(626) 395-7801
Customer No. 26,941